IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2120 OF 2007

Shri Manoj Mahavir Prasad Khaitan ..Applicant
Vs.
Shri Ram Gopal Poddar and anr. ..Respondents

Mr. M.J. Bhatt for applicant.
Mr. P.A. Pol, APP for State.

**CORAM: B.H. MARLAPALLE, J.**

**Date : August 30, 2007.**

**P.C.:**

1. Heard the learned counsel for the applicant.

An order of issuance of process against the petitioner was passed on 2/4/2005 by the learned JMFC at Thane in C.C. No. 194 of 2005. The said order was challenged by filing Criminal Revision Application No.155 of 2006. However, the said Revision Application was sought to be withdrawn by filing pursis at Exh.33 and consequently by the order dated 7/5/2007 the Criminal Revision Application came to be disposed as withdrawn.

2. By withdrawing the Criminal Revision Application, the applicant clearly accepted to face the trial in C.C. No.194/05. Having demonstrated his

readiness to face the trial by withdrawing the Criminal Revision Application, the applicant cannot be allowed to challenge the order of issuance of process and pray for quashing of the pending criminal case by invoking inherent powers under Section 482 of Cr.P.C. by this application. It would be necessary for the applicant to approach the Sessions Court for restoration of the Criminal Revision Application, if permissible in law and in the alternative to face the trial.

3. Hence, the application is rejected.

**(B.H. Marlapalle,J.)**